

Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ OCTOBER 2006 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in federal Regions 6 and 7. Versar, Inc., in support of the Central Regional Environmental Office (CREO), prepares the *REVIEW* to assist you in your compliance efforts. Current and past issues of the *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please e-mail CREO.regulatory.specialist@nwk02.usace.army.mil or call (816) 389-3327 if you have any questions or suggestions, or if you would like to subscribe to the *REVIEW*.

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CENTRAL REGIONAL ENVIRONMENTAL OFFICE AND REGIONAL ENVIRONMENTAL COORDINATOR (REC) DIRECTORY

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Assistance in Environmental Regulations Impact. In the past, CREO has successfully assisted installations in moderating environmental regulations that affect current operations. If you need assistance in this regard, please contact the CREO Chief/ DoD Region 7 REC at (816) 389-3449 or Regional Counsel at (816) 389-3448. CREO stands ready to assist you in resolving these types of issues.

Recently, EPA announced a regulation concerning “De Minimis PM_{2.5} Non-attainment.” The Army has 21 installations directly affected by this rule because they are in PM_{2.5} non-attainment areas. AEC and CREO can help installations determine their attainment status for PM_{2.5} by assisting installations in evaluating impacts on a case-by-case basis. For assistance, please call (816) 389-3448.

AELC Call for Army Environmental Legislative Proposals. The US Army prepares and submits to the Office of the Secretary of Defense (OSD) proposals to address a wide variety of issues, including environmental, for subsequent submittal to OMB and to the Congress. In late 2002, the **Army Environmental Legislative Committee (AELC)** was

established to, among other things, streamline the process for the Army's development of environmental and related legislative proposals for submittal to OSD.

AELC continuously solicits input for environmental legislative concepts/proposals for the Defense Authorization and Appropriations Bills. **AELC** then selects environmental concepts that the Army would like to pursue. Technical and legal support is provided to ensure that each concept is developed into a format consistent with DoD guidance for the submittal of legislative proposals. Submissions should be coordinated through your chain of command to your organization's **AELC** point of contact. More information can be obtained from the **US Army Environmental Center** at (410) 436-2623. **USAEC** serves as secretary and provides staff support to **AELC**.

Stakeholders Guide Books By the National Conference of State Legislatures and the National Association of Counties in Partnership with DoD Available on DENIX. These two guidebooks (*Working with Local Governments: A Practical Guide for Installations* and *Working with State Legislators: A Guide for Military Installations and State Legislators*) were developed to help DoD officials and installations gain an understanding as to how state and local governments make land use decisions that may affect military operations and to facilitate communications and potential collaboration among stakeholders on encroachment issues. The links to these and other tools are: https://www.denix.osd.mil/denix/Public/Library/Sustain/Ranges/sustainable_ranges.html. The specific links to the guides are: (NCSL) <https://www.denix.osd.mil/denix/Public/Library/Sustain/Ranges/SH-Guidebooks/Guide-NCSL-State-Legislators.pdf> and (NACo) <https://www.denix.osd.mil/denix/Public/Library/Sustain/Ranges/SH-Guidebooks/Guide-ICMA-NACo-LocalGovernment.pdf>. Hard copies are available upon request. Please contact the CREO Regional Counsel at (816) 389-3448 to receive a copy.

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REGION 6 STATE ACTIVITY

Regulatory & Legislative Web Sites	
Arkansas Department of Environmental Quality (ADEQ)	http://www.adeq.state.ar.us
Arkansas General Assembly	http://www.arkleg.state.ar.us/
Louisiana Department of Environmental Quality (LDEQ)	http://www.deq.state.la.us
Louisiana Legislature	http://www.legis.state.la.us/
New Mexico Environment Department (NMED)	http://www.nmenv.state.nm.us/
New Mexico Legislature	http://legis.state.nm.us/
Oklahoma Department of Environmental Quality (ODEQ)	http://www.deq.state.ok.us
Oklahoma Legislature	http://www.lsb.state.ok.us/
Texas Commission on Environmental Quality (TCEQ)	http://www.tceq.state.tx.us/
Texas Legislature	http://www.capitol.state.tx.us/

Please see pages 12 and 13 for important news regarding migratory bird conservation from the DoD and the U.S. Fish and Wildlife Service.

ARKANSAS

Legislative/Regulatory Activity

NOTICE: With regard to any regulations, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions or comments, and an expression of interest to participate in stakeholder work group.

The Arkansas legislature is **not** in session for 2006.

No significant regulatory activity reported during this period.

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NOTICE: With regard to any and all legislation and or regulations, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions or comments, and an expression of interest to participate in stakeholder work group.

The Louisiana legislature adjourned *sine die* on 19 June 2006.

STATE OF LOUISIANA FINAL RULES

(Effective 20 September) LA Department of Environmental Quality Final Rule: Implementation of the Clean Air Interstate Rule (CAIR), SO₂ Trading Program and SIP Revision. LDEQ has adopted regulations that implement the EPA's Clean Air Interstate Rule (CAIR) that is a framework requiring states to reduce SO₂ and NO_x emissions. Besides distribution of allocations, all subject units contained within a Title V permit will need to apply for a CAIR permit. Pursuant to CAIR, a subject unit is a stationary, fossil-fuel fired boiler or stationary, fossil-fuel-fired combustion turbine serving a generator with nameplate capacity of more than 25 MWe producing electricity for sale. LDEQ has attempted to identify all units subject to CAIR. If a facility has a unit that will be subject to CAIR, but the unit does not appear on the Department's list (below), the facility should contact LDEQ. Units not on the list will not receive NO_x allocations and allowances must be purchased for the unit to operate. If a unit is located at a facility with a Title V permit, a CAIR permit must be acquired for the unit to operate in compliance. The effective date is 20 September 2006. The final amendments regarding the SO₂ trading program are available at http://www.deq.louisiana.gov/portal/portals/0/planning/regs/pdf/AQ260fffin_w_TA.pdf. The Department's list of Subject Units is available at <http://www.deq.louisiana.gov/portal/portals/0/planning/regs/pdf/0601Pot1.pdf>. The amendments to the State Implementation Plan are available at <http://www.doa.louisiana.gov/osr/reg/0607/0607pot.pdf> (Page 1370). For more information, please call James Orgeron at (225) 219-3578.

(Effective 20 September) LA Department of Environmental Quality Final Regulations: Incorporation by Reference of the Acid Rain Program (AQ259ft) (LAC 33:III.505). LDEQ adopted amendments to its air regulations regarding acid rain. The revisions replace the existing acid rain provisions and incorporate by reference the revised federal Acid Rain rule. The effective date is 20 September 2006. The final amendments are available at http://www.deq.louisiana.gov/portal/portals/0/planning/regs/pdf/AQ259fffin_w_TA.pdf. For additional information, please call Judith Schuerman at (225) 219-3550.

STATE OF LOUISIANA PROPOSED RULES

(NEW) LA Department of Environmental Quality Proposed Regulations: Construction and Demolition Debris Tonnage Fee (LAC 33:VII.529), SW041 (LAC 33:VII.529). LDEQ is proposing amendments to its solid waste regulations regarding tonnage fees for construction and demolition debris. This rule will promulgate the provisions of Act 718 of the 2006 Regular Session of the Louisiana Legislature regarding the imposition of a \$0.20 per ton disposal fee assessed on construction or demolition debris not otherwise exempted by the statute. This fee will only apply to construction or demolition debris that is subject to a fee imposed by the facility. A public hearing will be held on 25 October 2006. Comments are due 1 November 2006. The proposed regulations are available at <http://www.deq.louisiana.gov/portal/portals/0/planning/regs/pdf/SW041pro.pdf>. For additional information, please call Judith Schuerman at (225) 219-3550.

(NEW) LA Department of Environmental Quality Proposed Regulations: Requests for Comments on Regulatory Permits, 0609Pot2. The Department is proposing revisions to its regulatory air permit program. Act 115 of the 2006 Regular Session of the Louisiana Legislature authorized LDEQ to develop regulatory permits for certain air emissions and water discharges. Act 115 requires the secretary to consider which activities are appropriate for coverage under regulatory permits and to publish an initial list of such activities no later than 1 January 2007. Comments are due 25 October 2006. The Request for Comments is available at <http://www.deq.louisiana.gov/portal/portals/0/planning/regs/pdf/0609Pot2.pdf>. For additional information, please contact Cheryl Nolan at (215) 219-3010.

CREO Comment: If there are any comments, issues or concerns regarding this proposed regulation, please contact the Region 6 Army REC at (816) 389-3450.

(NEW) LA Department of Environmental Quality Proposed Regulations: Section 111(d) Plan for Other Solid Waste Incineration (OSWI) Units, 0609Pot1. LDEQ is proposing amendments to its Section 111(d) Plan for Other Solid Waste Incineration (OSWI). Section 111(d) and 129 of the Clean Air Act Amendments of 1990 require states to submit to USEPA a plan, which establishes performance standards for each category of combustion units that indicate the application of strict emissions controls known as maximum achievable control technology (MACT). A public hearing will be held 25 October 2006. Comments are due that day. The proposed amendments are available at <http://www.deq.louisiana.gov/portal/portals/0/planning/regs/pdf/0609Pot1.pdf>. For additional information, please contact Jodie Alexis at (225) 219-3582.

(UPDATE) LA Department of Environmental Quality Proposed Rule and Final Emergency Rule: Expedited Penalty Agreement in Water Permitting (OS05E48) (LAC 33:I.801, 803, 805 and 807). LDEQ is discussing the promulgation of permanent rules regarding an expedited penalty agreement program. The Department has finalized an Emergency Rule that encapsulates the pilot program regarding penalty agreements. The rule changes the definition describing which water permits are subject to this Rule and redefines the violations for the water citations and waiting period for enforcement, as well as adds the requirement of mandatory training in a department-sponsored class for certain water violations. A public hearing will be held on 25 October 2006. Comments are due 1 November 2006. The proposed rules are available at <http://www.deq.louisiana.gov/portal/portals/0/planning/regs/pdf/OS054pro.pdf> (Page 358). For additional information, please call (225) 219-3550.

(UPDATE) LA Department of Environmental Quality Proposed Regulations: Wetlands Assimilation, WQ068 (LAC 33:IX.1105, 1109, and 1113). The Department is proposing amendments to its wetland assimilation regulations. The proposed amendments amend the water quality standards in LAC 33:IX.Chapter 11 to protect wetland areas that may receive treated wastewater effluent. Wetlands are being proposed as a water body exception category. Definitions, which include classifications of wetland types, and biological criteria for wetlands to receive treated and disinfected sanitary effluent are included in the rule. A public hearing was held on 26 September 2006. The comment deadline has been extended to 11 October 2006. The proposed amendments are available at <http://www.doa.louisiana.gov/osr/reg/0608/0608NOI.pdf> (Page 1473). For more information, please call Judith Schuerman at (225) 219-3168.

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NEW MEXICO

Legislative/Regulatory Activity

NOTICE: With regard to any regulations, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions or comments, and an expression of interest to participate in stakeholder work group.

The New Mexico legislature adjourned *sine die* on 16 February 2006.

STATE OF NEW MEXICO FINAL RULE

(Effective 6 September 20) NM Environmental Improvement Board Final Regulations: Amendments to the Ambient Air Quality Standards, Operating and Construction Permit Regulations (20.2.3 NMAC, 20.2.70 NMAC, 20.2.72 NMAC). The Board finalized revisions to its air regulations that clarify the applicability of state ambient air quality standards to Title V major sources, the requirements for certifying compliance, and make Title V sources subject to 20.2.7 NMAC - Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance. Specifically, the rulemaking proposes to amend the definition of "applicable requirement" in the rule by removing the New Mexico Ambient Air Quality Standards ("NMAAQS"); to clarify the procedure for affected sources to submit dispersion modeling for and to certify compliance with the National Ambient Air Quality Standards ("NAAQS"); and to require that sources permitted under 20.2.70 NMAC (Title V permits) obtain a 20.2.72 NMAC or 20.2.74 NMAC permit if they have not done so previously. Further, the Department proposes to revise 20.2.72.216 NMAC so that it will apply to existing sources that do not propose an increase in emissions but will emit a regulated air contaminant exceeding the significant concentration for that pollutant listed in 20.2.72.500 NMAC at any location that does not meet the NAAQS for the contaminant. In addition, subsection C is added to require that existing sources subject to the section must demonstrate a net air quality benefit of at least a 20 percent reduction in ambient impact for each applicable contaminant. The amendments were

approved and published in the 31 August 2006 New Mexico Register. The effective date is 6 September 2006. The final amendments are available at <http://www.nmcpr.state.nm.us/nmregister/xvii/xvii16/20.2.3amend.htm>, <http://www.nmcpr.state.nm.us/nmregister/xvii/xvii16/20.2.70amend.htm>, and <http://www.nmcpr.state.nm.us/nmregister/xvii/xvii16/20.2.72amend.htm>. For additional information, please contact Joyce Medina at (505) 827-2425.

STATE OF NEW MEXICO PROPOSED RULE

(UPDATE) NM Environment Department Proposed Rule: New Mexico's Plan to Comply with EPA's Clean Air Mercury Rule, Mercury Emission Standards and Compliance Schedules for Electric Generating Units (20.2.85 NMAC (new), 20.2.84 NMAC (revised)). NMED is proposing new regulations regarding Mercury Emission Standards and Compliance Schedules for Electric Generating Units and amendments on the Acid Rain Permit requirements. The rulemaking addresses how New Mexico should comply with EPA's Clean Air Mercury Rule (CAMR). CAMR aims to reduce mercury emissions from coal-fired power plants. The rule consists of a permanent cap on mercury emissions as well as subsequent emissions reductions. The Department is drafting revisions that do not include a trading program. The Federal Rule requires NM to submit a compliance plan by 17 November 2006. The Department proposes to adopt 20.2.85 NMAC to create a methodology for allocation of mercury emission allowances and specify compliance schedules for electric generating units. A public meeting specifically regarding the Clean Air Mercury Rule was held on 2 October 2006. The proposed rulemaking is available at http://www.nmenv.state.nm.us/aqb/Proposed_Regs/CAMR/20_2_85NMAC_7-6-06.pdf and http://www.nmenv.state.nm.us/aqb/Proposed_Regs/CAMR/20_2_84NMAC_Rev.pdf. For additional information, please contact Joyce Medina at (505) 827-2425.

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OKLAHOMA

Legislative/Regulatory Activity

NOTICE: With regard to any and all legislation and or regulations, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions or comments, and an expression of interest to participate in stakeholder work group.

The Oklahoma legislature adjourned *sine die* on 26 May 2006 but continued in special session until 23 June 2006.

STATE OF OKLAHOMA PROPOSED RULES

(NEW) OK Department of Environmental Protection Proposed Regulations: Incorporation by Reference of the Federal Hazardous Waste Management Regulations (252:205-3-1 to 252:205-3-2). The Department is proposing amendments to its hazardous waste regulations. The purposes of the proposed amendments are: (1) to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279 revised as of 1 July 2006; and (2) to incorporate amendments to 40 CFR that took effect after 1 July 2006. Public hearings will be held on 5 October 2006 and 14 November 2006. Comments were due 5 October 2006. The proposed amendments are available at <http://www.deq.state.ok.us/LPDnew/LPProprules.htm>. For more information, please call Jon Roberts at (405) 702-5100.

(NEW) OK Department of Environmental Protection Proposed Regulations: Highway Spill Remediation (Chapter 210). ODEQ is proposing new regulations addressing highway spill remediation. The purpose of the proposed Chapter 210 is to implement the requirements of Senate Bill 1938, passed by the Oklahoma Legislature during its 2006 session. The Bill creates the Oklahoma Highway Remediation and Cleanup Services Act, 27A O.S. § 2-7-401, et seq. The Act gives the DEQ the authority to license, supervise, govern and regulate highway remediation and cleanup services and highway remediation and cleanup service operators in the State of Oklahoma. The Act further grants the Environmental Quality Board authority to pass rules implementing its requirements. The statutory effective date is 1 November 2006. Public hearings were held on 5 October 2006 and 14 November 2006. Comments are due 5 October 2006. The proposed regulations are available at <http://www.deq.state.ok.us/LPDnew/LPProprules.htm>. For more information, please call Mista Turner Burgess at (405) 702-7189.

(NEW) OK Department Of Environmental Quality Proposed Regulations: Environmental Permit Process, Hazardous Waste Permitting Requirements and the RCRA Standardized Permit (252:4-7-51 Through 53). The Department is proposing amendments to its hazardous waste regulations. The purpose of the proposed amendments is to modify the rules related to hazardous waste permitting requirements to include provisions for the new RCRA Standardized Permit. Public hearings will be held on 5 October 2006 and 14 November 2006. Comments were due 5 October 2006. The proposed amendments are available at <http://www.deq.state.ok.us/LPDnew/LPPrules.htm>. For more information, please call Jon Roberts at (405) 702-5100.

(UPDATE) OK Department of Environmental Quality Proposed Regulations: Amendments to Air Regulations Package, Including Control of Mercury Emission, Rule 252:100-44, Emissions Inventory, Excess Emissions Reporting, De Minimis Facilities Requirements, and Insignificant Activities Requirements (Docket # 06-203 And 06-582). ODEQ is proposing three possible options for regulations that will implement EPA's Clean Air Mercury Rule. The Department has organized a stakeholder group to discuss three options for "Control of Mercury Emissions from Coal Fired Electric Steam Generating Units" to include: (1) incorporating by reference the Clean Air Mercury Rule (CAMR) adopted in May 2005; (2) rewriting the federal CAMR to incorporate state developed timelines and requirements among others. This last option requires greater reductions and shorter timelines than the federal version and prohibits trading of mercury credits. ODEQ is strongly considering adopting the EPA model rules for mercury air emissions. The Department also is proposing an amendment package to the air quality regulations. The amendment package includes deletion of 252:100-5.2.1(b)(3) which will remove the requirement to provide a written explanation when yearly emission changes are in excess of 30 percent. Further, OAC 252:100-5-1.1, 7-1.1 and 9-2 are being amended by the addition of a new definition for "regulated air pollutant". A new Appendix P, Regulated Air Pollutants, is being added to Chapter 100 as part of these amendments. The terms "actual emissions", "allowable emissions" and "regulated pollutant (for fee calculation)" are being amended in OAC 252:100-5-1.1. In addition, Section 5-1.1 is being amended by the addition of a new definition for "Gross Particulate Matter" (GPM) which replaces the term "TSP" in the section. The term "GPM" also replaces the term "TSP" in OAC 252:100-23-2. The term "Actual emissions" is also being amended in OAC 252:100-7-1.1. OAC 252:100-17-61 is being amended to update the incorporations by reference for commercial and industrial solid waste incineration (CISWI) units to comply with modifications made by the Environmental Protection Agency in some definitions for CISWI. The Department proposes the addition of 100-17, Part 11, Other Solid Waste Incinerators (OSWI), to establish state emission standards and other enforceable requirements for existing OSWI. An OSWI is considered an existing OSWI if construction commenced on or before 9 December 2004. A second set of public hearings will be held on 18 October 2006 and on 14 November 2006. For more information, please call Scott Thomas at (405) 702-4100.

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TEXAS

Legislative/Regulatory Activity

NOTICE: With regard to any or regulations, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions or comments, and an expression of interest to participate in stakeholder work group.

The Texas legislature is **not** in general session for 2006.

STATE OF TEXAS HOUSE AND SENATE COMMITTEES

(NEW) Texas Natural Resources Committee - Drinking Water, Groundwater, Water, Water Use. The House and Senate Natural Resources Committees held a joint interim meeting in San Antonio on September 22 to discuss state and regional water issues. Much of the time was devoted to the Edwards Aquifer Act, which regulates water use and ground water withdrawals. A state-wide water conservation plan was discussed at this meeting. Representative Robert Puente (D) chairs the House committee. Senator Kip Averitt (R) chairs the Senate committee.

(NEW) TEXAS Senate Committee (Interim) on Veteran's Affairs and Military Installations – BRAC Authorizing Legislation, Land Use. The Senate Committee on Veteran's Affairs and Military Installations held a joint interim meeting with the Senate BRAC Subcommittee on 26 September 2006. Testimony by invited guests and the public analyzed implementation of BRAC legislation from prior legislative sessions, national BRAC developments,

and the realignment of various installations across the state. Senator Leticia VanDePutte (D) chairs the Committee; Senator Eliot Shapleigh (D) chairs the subcommittee.

STATE OF TEXAS FINAL RULES

(Effective 27 November 2006) TX Commission for Environmental Quality Final Regulation: SIP Revisions for the El Paso Non-Attainment Area (Rule No. 2005-028-SIP-NR). TCEQ adopted amendments to rules on the Control of Air Pollution from Motor Vehicles, 30 TAC 114.2, 114.50, 114.51, and 114.53. The amendments concern inspection and maintenance (I/M) rules designed to improve air quality in the El Paso area. The SIP revisions would re-designate a portion of the El Paso area as in attainment for Carbon Monoxide (CO). The revisions also include a proposal to incorporate a plan for maintenance of the 8-hour ozone National Ambient Air Quality Standard (NAAQS) in El Paso County and update the emissions inventory. They also provide motor vehicle emissions budget projections through 2015. EPA has approved the SIP and has published it in the 28 September 2006 Federal Register. The effective date is 27 November 2006. The final rule is unchanged from the proposed version and is available at http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/05026114_adoCLEAN.pdf. For additional information, please contact Erik Gribbin at (512) 239-2590.

(Effective 12 October 2006) TX Commission on Environmental Quality Final Regulations: Standard Permit Public Notice Revision (Rule No. 2005-038-116-PR). TCEQ adopted amendments to Section 116.603 of the Air quality regulations. The amendments revise the newspaper notice requirements for proposed standard permits with statewide applicability in Austin, Dallas, Houston, and any other regional newspapers designated by the Commission on a case-by-case basis. The amendments were approved on 20 September 2006. The effective date is 12 October 2006. The final amendments are available at http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/05038116_ado_clean.pdf. For more information, please call Phil Harwell at (512) 239-1517.

(Effective 12 October 2006) TX Commission on Environmental Quality Final Regulations: HB 3469 Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles 2006-016-114-EN (30 TAC 114.620, 622, and 624). The Commission finalized amendments to its air regulations. This rulemaking implements the provisions of HB 3469 regarding implementation of the diesel emissions reduction incentive program for on-road and non-road vehicles. The final amendments and new section implement Texas Clean Air Act, §§382.002, 382.011, 382.012, 382.017, 386.051, and House Bill 2481, 79th Legislature, 2005. The revisions include changes to the definitions and the rebate grant process. The amendments were approved on 20 September 2006. The effective date is 12 October 2006. The final amendments are available at http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/06016114_ado_clean.pdf. For more information, please call Erik Gribbin at (512) 239-2590.

(Effective 28 September 2006) TX Commission on Environmental Quality Final Regulations: HB 1358, HB 2301, & SB 1063: Amendments to Water Regulations Relating to Rates (Rule No. 2005-061-291-PR). TCEQ adopted rules that amend Chapter 291 to implement changes from House Bill (HB) 1358, HB 2301, and Senate Bill 1063. HB 1358 amended the Texas Water Code (TWC) by adding new §13.004. This new section of the TWC outlines the jurisdiction of the commission over certain water supply or sewer service corporations. HB 2301 amended TWC, §13.187(c), by clarifying that the regulatory authority may disallow non-supported costs if the utility fails to timely provide documentation or other evidence to support the costs shown in a rate application. SB 1063 amended §10.08(a), Chapter 966, Acts of the 77th Legislature, 2001, by deleting the exception that a public utility that provided utility service in only 24 counties on 1 January 2003, was exempt from specific requirements. Additionally, the commission proposes amendments relating to utility rate case expenses. The revisions change the procedures and application requirements for rate cases and clarify TCEQ's authority over private water facilities. The amendments were approved on 6 September 2006 with an effective date of 28 September 2006. The final rules are available at http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/05061291_ado_clean.pdf. For additional information, please contact Doug Holcomb at (512) 239-4691.

STATE OF TEXAS PROPOSED RULES

(UPDATE) TX Commission on Environmental Quality Proposed Regulations: Environmental Management Systems (2006-028-090-AD). The Commission is proposing amendments to its water regulations regarding Environmental Management Systems ("EMS"). The amendments include an exception that entities be no longer required to implement an EMS that met the state EMS standard. Instead, the Commission would recognize any EMS established framework that meets the statutory provisions of the Water Code. The amendments also include the recommendation that Commission staff no longer conduct EMS audits for approval into the program. The proposal was adopted by the Board for rulemaking on 23 August 2006. Comments are due 9 October 2006. The proposed amendments are available at http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/06028090_pro_clean.pdf. For more details, please call Brian Christian at (512) 239-5007.

(UPDATE) TX Commission on Environmental Quality Proposed Regulations: Best Available Retrofit Technology (BART) Permitting (Rule No. 2006-022-116-EN). The Commission is proposing amendments to its air regulations regarding regional haze. Federal regulations under 40 CFR Part 51, Subpart P require states to implement best available retrofit technology (BART) and develop a regional haze State Implementation Plan (SIP). The proposed rules are intended to satisfy the federal requirement to implement BART and to facilitate the preparation of the Texas Regional Haze SIP, which is due to USEPA 17 December 2007. The proposed rules add new Subchapter M to Chapter 116 to ensure that owners or operators of sources that are subject to BART requirements perform an engineering evaluation to determine the appropriate level of BART emission controls and subsequently implement any required BART controls. The sources that would be affected by the proposed rules are those that belong to one of 26 industry source categories, have the potential to emit 250 tons per year or more of a visibility-impairing pollutant (nitrogen oxides, sulfur dioxides, or particulate matter), and were built or reconstructed between 7 August 1962 and 7 August 1977. The rules also provide a mechanism for sources to exclude themselves from BART requirements, if they demonstrate, through modeling, that they do not significantly impact visibility in Class I areas. The Commission is also working with the Central Regional Air Planning Association (CENRAP) on regional haze modeling and development. The comment deadline was extended to 9 October 2006. The proposed rulemaking is available at http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/06022116_pro.pdf. For more information, please call Margaret Earnest at (512) 239-4581.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(Effective 27 November 2006) EPA Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Non-attainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston. EPA is taking direct final action to approve Texas State Implementation Plan (SIP) revisions. The revisions pertain to regulations to control Volatile Organic Compound (VOC) emissions from facilities in El Paso, Gregg, Nueces, and Victoria Counties; the 8-hour ozone standard non-attainment areas of Beaumont/Port Arthur and Houston/Galveston; and portions of the Dallas/Fort Worth 8-hour ozone standard non-attainment area. The revisions add additional controls on VOC emissions from industrial wastewater systems in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas. The revisions also amend requirements to identify and correct emissions from VOC leaks from facilities that refine petroleum or process natural gas, gasoline or petrochemicals in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, and from petroleum refineries in Gregg, Nueces, and Victoria Counties. We are approving the revisions pursuant to section 110 and part D of the Federal Clean Air Act (CAA). The control of VOC emissions will help to attain and maintain the 8-hour national ambient air quality standard (NAAQS) for ozone in Texas. This approval will make the revised regulations Federally enforceable and is effective on 27 November 2006 without further notice, unless EPA receives relevant adverse comment by 30 October 2006. If EPA receives such comment, EPA will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect. For more details, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-28/a15933.htm>.

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REGION 7 STATE ACTIVITY

Regulatory & Legislative Web Sites

Iowa Department of Natural Resources (IDNR)	http://www.iowadnr.com/
Iowa General Assembly	http://www.legis.state.ia.us/
Kansas Department of Health and Environment (KDHE)	http://www.kdhe.state.ks.us
Kansas Legislature	http://www.kslegislature.org/cgi-bin/index.cgi
Missouri Department of Natural Resources (MDNR)	http://www.dnr.mo.gov/index.html
Missouri General Assembly	http://www.moga.state.mo.us/
Nebraska Department of Environmental Quality (NDEQ)	http://www.deq.state.ne.us
Nebraska Legislature	http://www.unicam.state.ne.us/

Please see pages 13 and 14 for important news regarding migratory bird conservation from the DoD and the U.S. Fish and Wildlife Service.

IOWA

Legislative/Regulatory Activity

NOTICE: With regard to any and all legislation and or regulations, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions or comments, and an expression of interest to participate in stakeholder work group.

The Iowa legislature adjourned *sine die* on 5 May 2006.

STATE OF IOWA PROPOSED RULE

(NEW) IA Department of Natural Resources Draft Rule: Adoption of Several Federal Air Regulations Finalized over the Course of 2006 (Chapters 21-24). The Department is proposing to adopt into the state air quality rules several federal regulations that were finalized over the course of 2006. Additionally, the Department is proposing to include the adoption of minor federal amendments to the Clean Air Mercury Rule (CAMR), and to clarify and correct state air quality rules for emissions inventories, variances, and Title V program requirements. The draft rule went before the Environmental Protection Commission (EPC) for pre-proposal review on 19 September 2006. A copy of the draft rule can be found at <http://www.iowadnr.com/epc/06sep/20.pdf>. For more information, please call Christine Paulson at (515) 242-5154.

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KANSAS

Legislative/Regulatory Activity

NOTICE: With regard to any and all legislation and or regulations, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions or comments, and an expression of interest to participate in stakeholder work group.

The Kansas legislature adjourned *sine die* 25 May 2006.

No significant regulatory activity reported during this period.

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NOTICE: With regard to any and all legislation and or regulations, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions or comments, and an expression of interest to participate in stakeholder work group.

The Missouri legislature adjourned *sine die* on 26 May 2006.

STATE OF MISSOURI PROPOSED RULE

(UPDATE) **MO Department of Natural Resources Preliminary Regulation: Initial Draft of Revisions to New Source Review Regulations (2698) (10 CSR 10-6.060).** The Department has issued a preliminary draft of revisions to its New Source Review (NSR) regulations. The revisions update the following provisions: (1) Baseline emissions determination; (2) Actual-to-future actual methodology; (3) Plantwide applicability limitations; (4) Clean units; and (5) Pollution control projects. Note that the Department will also amend corresponding references in 10 CSR 10-6.100. Comments on the preliminary draft were due 8 October 2006. The preliminary draft is available at <http://www.dnr.state.mo.us/alpd/apcp/Rules/RID/6-060/6-060drt.pdf>. For additional information, please contact Rick Campbell at (573) 751-4817.

REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) **MO Department of Natural Resources Departmental Discussion: Clean Air Mercury Rule (CAMR) Implementation (10 CSR 10-6.368).** MDNR's Air Pollution Control Program has formed a workgroup to respond to the EPA's Clean Air Interstate Rule (CAIR) and Clean Air Mercury Rule (CAMR). The Working Group has issued a draft Model Rule for mercury control that mirrors EPA's rule. The Working Group is redrafting to make the rule more state-specific. Staff reports that the rules are undergoing an internal redrafting and anticipates the rules to be formally proposed in the 1 September 2006 Missouri Register. The draft Model Rule for mercury is available at http://www.dnr.mo.gov/env/apcp/cair_camr/docs/mercurydraft1.pdf. For additional information, please contact Rick Campbell at (573) 751-4817.

(UPDATE) **MO Department of Natural Resources Departmental Discussion: Clean Air Interstate Rule Implementation (10 CSR 10-6.362, 10 CSR 10-6.364, 10 CSR 10-6.366).** The Department's Pollution Control Program formed a workgroup to respond to the EPA's Clean Air Interstate Rule (CAIR) and Clean Air Mercury Rule (CAMR). The department is interested in receiving stakeholder input into the development of the state regulations and state implementation plans that are necessary to respond to CAIR and CAMR. The Working Group has issued two draft Model Rules that mirror EPA's rule. Staff reports that the rulemaking is undergoing an internal review and that they anticipate an official rule proposal in the 1 November 2006 Missouri Register. The CAIR Seasonal Trading Model Rule draft is available at <http://www.dnr.mo.gov/env/apcp/docs/6-364drafruletext.pdf>. The SO₂ Trading Model Rule draft is available at <http://www.dnr.mo.gov/env/apcp/docs/6-366drafruletext.pdf>. The CAIR Annual Trading Model Rule draft is available at <http://www.dnr.mo.gov/env/apcp/docs/6-362drafruletext.pdf>. For additional information, please contact Rick Campbell at (573) 751-4817.

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NOTICE: With regard to any regulations, installation staff is requested to contact their respective component REC with information on mission or installation impacts, questions or comments, and an expression of interest to participate in stakeholder work group.

The 99th Nebraska Legislature, Second Session adjourned *sine die* on 13 April 2006.

No significant regulatory activity reported during this period.

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FEDERAL ACTIONS

EPA PROPOSED RULES

National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Reconsideration). On 12 October 2005, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for new and existing hazardous waste combustors. Subsequently, the EPA Administrator received four petitions for reconsideration of the final rule. In this proposed rule, EPA is granting reconsideration of and requesting comment on several issues raised in the petitions of the Cement Kiln Recycling Coalition, the Coalition for Responsible Waste Incineration, and the Sierra Club. In addition, EPA is proposing several amendments and corrections to the final rule to clarify some compliance and monitoring issues raised by several entities affected by the final rule. For more details, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-7251.htm>.

Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): De-bottlenecking, Aggregation, and Project Netting. EPA proposes revisions to the regulations governing the major NSR programs mandated by parts C and D of title I of the Clean Air Act (CAA). These proposed changes reflect EPA's consideration of the Agency's 2002 Report to the President and its associated recommendations as well as discussions with various stakeholders including representatives of environmental groups, State and local governments, and industry. The Agency proposes to change how emissions from emissions units upstream or downstream from the unit(s) undergoing a physical change or change in the method of operation are included in the calculation of an emissions increase for the project. Moreover, these proposed changes would clarify and codify our policy of when emissions increases from multiple projects are to be aggregated together to determine NSR applicability. Finally, EPA is clarifying how emissions decreases from a project may be included in the calculation to determine if a significant emissions increase will result from a project. The Agency seeks comment on all aspects of this proposed rule. This proposal seeks public comment in accordance with section 307(d) of the CAA and should not be used or cited in any litigation as a final position of the Agency. For more details, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-15248.htm>

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

New Policy: Consolidated Emergency Planning and Community Right-to-Know Act (EPCRA) Policy for DoD Installations, Munitions Activities, and Operational Ranges. This policy supersedes March 1995, June 1996, March 1998, and March 2000 DoD EPCRA policy and is effective for Reporting Year 2007, for Toxics Release Inventory Report due on 1 July 2008. The new EPCRA policy: (1) explains how E.O. 13148 policy, goals, and requirements apply to DoD installations; and (2) consolidates and supersedes all previous DoD EPCRA policies issued by the Office of the Secretary of Defense. These policies include:

- DoD Guidance for Implementation of E.O. 12856 (March 1995), "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements"
- Supplemental Guidance on EPCRA Requirements for E.O. 12856 (June 1996), memorandum from Sherri W. Goodman (Deputy Under Secretary of Defense (Environmental Security)) (DUSD(ES))
- Updated Guidance: EPCRA Compliance for Munitions Related Issues (March 1998)
- Guidance on Applying EPCRA Toxics Release Inventory (TRI) Requirements to Ranges (April 2000) (i.e., "March 2000 Range Guidance")
- EPCRA TRI Reporting for CY 1999, memorandum from Sherri W. Goodman (DUSD(ES)) (21 June 2000)
- Questions and Answers Regarding TRI Reporting for Range Training and Demilitarization Activities (31 October 2001)
- DoD EPCRA TRI Motor Vehicle and Aircraft Refueling Memorandum (9 November 2001)
- TRI Reporting Questions and Issues Addressing the Coincidental Manufacture of Toxic Chemicals, Record Retention Time, and Hospital Activities (19 February 2002).

The EPCRA points of contact can be reached at the following telephone numbers: **Army** - (410) 436-1675; **Navy** - (703) 602-5334; **Marine Corps** - (703) 695-8550; and **Air Force** - (703) 604-3740.

New Hazardous Waste Manifest Form Video Available. EPA recently revised the Uniform Hazardous Waste Manifest used to track hazardous waste from a generator's site to the site of its disposition. Starting 5 September 2006, the new Uniform Hazardous Waste Manifest must be used for all hazardous waste shipments. A training video (available at <http://www.pneac.org/hazwastemanifest/>) introduces the new manifest form, highlights the differences

between the new and the previous form, and provides specific instructions to generators, transporters and treatment/storage/disposal facilities for completing the new manifest. For other information, please see <http://www.epa.gov/epaoswer/hazwaste/gener/manifest/>.

New Best Practices Tools for Small Drinking Water Systems. These tools are quick reference to guides for Certified Operator and Owners of small drinking water systems serving fewer than 10,000 people to operate sustainable drinking water systems that deliver safe drinking water to their customers. Topics of the guides include best practices for general operating practices, maintenance of distribution systems, vital record keeping, and building good working relationships with decision makers. Information and copies of these guides are available on EPA's web site at <http://www.epa.gov/safewater/smallsys/ssinfo.htm>.

Final Report: Edible Oil Barriers for Treatment of Perchlorate-Contaminated Groundwater (ESTCP ER-0221). The DoD Environmental Security Technology Certification Program (ESTCP) published this final technical report. It documents the demonstration of emulsified edible oils for remediation of perchlorate in groundwater. The primary objective of this project was to evaluate the cost and performance of an emulsified oil permeable reactive barrier (PRB) to control the migration of perchlorate plumes at DoD installations. The performance of the PRB was evaluated by monitoring the distribution of the oil emulsion in the aquifer, the impact of the oil injection on the aquifer permeability and groundwater flow paths, and the changes in contaminant concentrations and biodegradation indicator parameters both up gradient and down gradient of the PRB. Data obtained during the pilot test were used to demonstrate the cost-effectiveness of emulsified edible oils for remediation of perchlorate and chlorinated ethanes in groundwater through enhanced biodegradation (February 2006, 196 pages). View or download the report, please go to <http://docs.serdpestcp.org/viewfile.cfm?Doc=ER%2D0221%2DFR%2D01%2Epdf>.

New EPA Fact Sheet on Energy Conservation and Wastewater Treatment. A new Fact Sheet on Energy Conservation, will assist municipal and utility managers and operators in evaluating ways to reduce energy consumption within wastewater treatment plants. Technical and cost information on a variety of energy management techniques and new energy efficient equipment can be used to reduce a utility's energy bills. The fact sheet also includes information on ways to produce energy onsite by using solar cells, micro-turbines, fuel cells and effective utilization of bio-gas that can be produced in bio-solids processing. In addition, several case studies of energy documenting savings at utilities are presented. For a copy of the new fact sheet, please go to the Energy Conservation and Management section of the OWM Municipal Technologies web site at <http://epa.gov/owm/mtb/mtbfact.htm>.

US FISH AND WILDLIFE SERVICE

Memorandum of Understanding Between the U.S. Department of Defense and the U.S. Fish and Wildlife Service To Promote the Conservation of Migratory Birds. This notice announces a public notice of the signing of a Memorandum of Understanding (MOU) between the U.S. Department of Defense (DoD) and the U.S. Fish and Wildlife Service (USFWS) to Promote the Conservation of Migratory Birds. Pursuant to Executive Order 13186 (17 January 2001), "Responsibilities of Federal Agencies to Protect Migratory Birds," this MOU outlines a collaborative approach to promote the conservation of migratory bird populations. This MOU identifies specific activities where cooperation between the Parties will contribute substantially to the conservation of migratory birds and their habitats. It does not authorize the "take" of migratory birds. Take, as defined in 50 CFR 10.12, includes the pursuit, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to pursue, hunt, shoot, wound, kill, trap, capture, or collect. This notice is effective 30 August 2006. The MOU is effective 31 July 2006 and shall remain effective for a period of five years.

AEC Comment: This MOU was developed pursuant to Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, and outlines a collaborative approach to promote the conservation of migratory bird populations. It specifically pertains to actions that are not classified as military readiness activities. Incidental take of migratory birds during military readiness activities is being addressed in a rulemaking in accordance with section 315 of the National Defense Authorization Act for Fiscal Year 2003. The MOU identifies specific activities where cooperation between USFWS and DoD will contribute substantially to the conservation of migratory birds and their habitats but does not authorize the take of migratory birds. As for the execution of this MOU, it is intended to be implemented when new actions are initiated; and during the initiation of new, or revisions to, INRMPs, Pest Management Plans, and non-military readiness elements of Bird Aircraft Strike Hazard plans. It does not apply to ongoing DoD actions for which a NEPA decision document was finalized prior to, or within 180 days of the date this MOU is signed. DoD basically has agreed to a number of responsibilities that will support the conservation of

migratory birds. Typical to MOUs or MOAs, the following caveat is included in the MOU: “The Parties agree this MOU shall be implemented to the extent permitted by law and in harmony with agency missions, subject to the availability of appropriations and budgetary limits.” Policy and guidance is forthcoming from DoD. For more details, please contact the Subject Matter expert at (410) 436-6458.

U.S. Fish and Wildlife Service General Provisions; Revised List of Migratory Birds. USFWS proposes to revise the List of Migratory Birds by adding numerous species and removing numerous species. Reasons for the proposed changes to the list include correcting previous mistakes including misspellings, adding species based on new evidence of occurrence in the United States or U.S. territories, removing species no longer known to occur within the United States and changing names based on new taxonomy. The net increase of 140 species (152 added and 12 removed) brings to 972 the total number of species protected by the Migratory Bird Treaty Act (MBTA). USFWS regulates most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds. An accurate and up-to-date list of species protected by the MBTA is essential for regulatory purposes.

AEC Comment: Potential impact on Army installations: Other than common and scientific name changes and updates, 88 of the 152 changes are new species additions to the list.

- 2 species covered by the Japanese and Russian treaties were mistakenly omitted from previous lists;
 - Spot-billed Duck and Black-tailed Gull.
- 26 species that were excluded from the 1985 list because their occurrence was viewed as accidental or casual, a criterion no longer viewed as consistent with the MBTA or its underlying treaties. State(s) where species has been recorded is provided.

<ul style="list-style-type: none"> Shy Albatross - WA Wandering Albatross - CA Blue Bunting – LA, TX Gray Bunting - AK Little Bunting – AK Common Chaffinch – ME-MA Paint-billed Crane- LA, TX Eurasian Curlew – MA, NY La Sagra’s Flycatcher – AL, FL Variegated Flycatcher – ME, TN Belcher’s Gull – FL Roadside Hawk - TX Bumblebee Hummingbird - AZ 	<ul style="list-style-type: none"> Southern Martin - FL Bahama Mockingbird - FL Black-winged Petrel - HI Jouanin’s Petrel - HI Hispaniolan Pewee - PR Tree Pipit - AK Spotted Rail – PA, TX Oriental Scops-Owl - AK Streaked Shearwater - CA Brown Shrike - AK Short-tailed Swift – US. Virgin Islands Thick-billed Vireo - FL Fan-tailed Warbler – AZ
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- 60 species based on review and acceptance by AOU (since April 1985) of new distributional records documenting their occurrence in the United States, Puerto Rico, or the U.S. Virgin Islands. State(s) where species has been recorded is provided.

<ul style="list-style-type: none"> Black-browed Albatross - VA Light-mantled Albatross - CA Red-flanked Bluetail – AK Pine Bunting - AK Yellow-breasted Bunting – AK Bunting, Yellow-throated - AK Purple-throated Carib - U.S. VI Black Catbird - TX Muscovy Duck – TX Little Egret – MA, NH, PR, VA Greenish Elaenia – TX Piratic Flycatcher – FL, NM, TX Social Flycatcher – TX Tufted Flycatcher - TX Collared Forest-Falcon – TX Gray Frog-Hawk - HI Azure Gallinule – NY Lesser White-fronted Goose - AK Gray-hooded Gull - FL Kelp Gull – LA, MD Yellow-legged Gull - MD 	<ul style="list-style-type: none"> Orange-billed Nightingale-Thrush - TX Mottled Owl - TX Stygian Owl - TX Bermuda Petrel - NC Great-winged Petrel - CA Stejneger’s Petrel – CA, HI Cuban Pewee - FL Collared Plover - TX Chinese Pond-Heron - AK Western Reef-Heron - MA Siberian Blue Robin - AK White-throated Robin - TX Green Sandpiper - AK Cape Verde Shearwater - NC Gray Silky-flycatcher - TX Eurasian Siskin - AK Black-winged Stilt - AK Stonechat - AK Black-bellied Storm-Petrel - NC Mangrove Swallow - FL Alpine Swift - PR
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Crane Hawk - TX
 Eurasian Hobby - AK
Cinnamon Hummingbird – AZ, NM
 Xantus's Hummingbird - CA
Green-breasted Mango - TX
 Brown-chested Martin - MA
Blue Mockingbird – AZ, TX
 Long-billed Murrelet – 10 States
Black-headed Nightingale Thrush - TX

Flame-colored Tanager – AZ, TX
 Great Crested Tern - HI
 Whiskered Tern – DE, NJ
Masked Tityra - TX
 Oriental Turtle-Dove - AK
Yucatan Vireo - TX
 Citrine Wagtail - AL
 Crescent-chested Warbler - AZ
 Great Spotted Woodpecker - AK

All these species are now afforded full protection under the Migratory Bird Treaty Act. For more information, please call the media manager at 9410) 436-6458.

Endangered and Threatened Wildlife and Plants; 5-Year Review of 14 Southeastern Species.

USFWS announces 5-year reviews of the Alabama beach mouse (*Peromyscus polionotus ammobates*), eastern indigo snake (*Drymarchon corais couperi*), Red Hills salamander (*Phaeognathus hubrichti*), **Ozark cavefish (*Amblyopsis rosae*)**, bayou darter (*Etheostoma rubrum*), southern combshell (*Epioblasma = Dysnomia penita*), Arkansas fatmucket (*Lampsilis powelli*), Louisiana pearlshell (*Margaritifera hembeli*), black clubshell (*Pleurobema curtum*), flat pigtoe (*Pleurobema marshalli*), heavy pigtoe (*Pleurobema taitianum*), stirrupshell (*Quadrula stapes*), Kral's water-plantain (*Sagittaria secundifolia*), and Alabama streak-sorus fern (*Thelypteris pilosa var. alabamensis*) under section 4(c)(2) of the Endangered Species Act of 1973, as amended (Act). The purpose of reviews conducted under this section of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants (50 CFR 17.11 and 17.12) is accurate. A 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

AEC Comment: The **Ozark cavefish** is recorded as contiguous to Camp Crowder (ARNG). For more information, please call the media manager at (410) 436-6458.

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REGIONAL MEETINGS

New Mexico Climate Change Advisory Group Meeting. This meeting will be held in **Albuquerque, New Mexico** on **30-31 October 2006**. For information, please contact the CREO Project Manager at (816) 389-3451.

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TRAINING COURSES AND WORKSHOPS

USACE PROSPECT Training. The FY06 Proponent-Sponsored Engineer Corps Training (PROSPECT) Program is now available on line at <http://pdsc.usace.army.mil>. The Purple Book, which includes the proposed scheduled training classes and sessions for FY07, is found at this location. FY06 PROSPECT is offering of the following courses:

- **Hazardous Waste Manifesting & DOT Certification.** This 36-hour course enables Corps personnel to understand the regulatory requirements of RCRA and the Hazardous Materials Transportation Act (HMTA) as it applies to the generation, transportation, and disposal of hazardous waste. Topics include RCRA waste classification, land disposal restrictions, generator requirements, manifesting requirements, and DOT requirements such as proper shipping names, packaging, labeling, marking, and placarding. Course provides DOT certification as per 49 CFR subpart H and DoD 4500.9-R, chapter 204). Course is ISEERB approved. <http://pdsc.usace.army.mil/CourseListDetail.aspx?CtrlNbr=223>.
- **Hazardous Waste Manifesting 16-Hour DOT Recertification Course.** The 16-hour manifesting refresher course is intended to provide refresher training on DOT requirements to fulfill the recurrent training requirements of 49 CFR 172, Subpart H for general awareness/familiarization training. Students who successfully complete the course will be certified as having been trained and tested to recognize and identify hazardous materials. Course provides DOT certification as per 49 CFR subpart H and DoD 4500.9-R, chapter 204). Course is ISEERB approved. <http://pdsc.usace.army.mil/CourseListDetail.aspx?CtrlNbr=429>.

- **The CERCLA/RCRA Process.** This 24-hour course trains USACE personnel involved with hazardous and toxic waste projects on military and civil works projects in the proper application of CERCLA, RCRA and other relevant environmental laws, regulations, and policies. This course is ISEERB approved. <http://pdsc.usace.army.mil/CourseListDetail.aspx?CtrlNbr=356>.

Partners in Environmental Technology Technical Symposium & Workshop. Sponsored by SERDP and ESTCP, this event will provide attendees with: (1) concurrent technical sessions covering the latest in environmental research results and technical innovations; (2) poster sessions featuring more than 350 technical posters; (3) exhibit booths offering information about funding opportunities in related research programs; and (4) two sessions providing a summary of SERDP and ESTCP program development and opportunities to conduct research and demonstrations. The workshop will be held in **Washington, D.C.** on **28-30 November 2006**. For more information, please go to <http://www.serdp.org/Symposium/index.cfm#symposium06>.

Introductory Risk Communication Workshop. This Introductory Risk Communication Workshop helps anticipate, analyze, and address issues that could affect an organization's mission. The workshop applies the use of lectures with interactive discussions, individual work, group work, use of numerous videos to demonstrate points, use of a personal instrument and other exercises including what to take back to work from the workshop. The training includes how to develop a risk communication strategy and plan for any issue for both internal and external stakeholders. The workshop will be held in **San Antonio, Texas** on **16-18 January 2007** and in **St. Louis, Missouri** on **5-7 June 2007**. For more details, please go to <http://chppm-www.apgea.army.mil/risk>.

Biological Assessment Workshops Presented by the Southwest Endangered Species Act Team. This course is being offered jointly by the US Fish and Wildlife Service's National Conservation Training Center and the Southwest Strategy, and will be presented by Southwest Endangered Species Act Team (SWESA) members. The purpose of the course is to provide instruction and tools needed to prepare biological assessments, biological evaluations, and similar documents that initiate section 7 consultation under the Endangered Species Act with the US Fish and Wildlife Service. The workshops will be held in **Albuquerque, New Mexico (January 22-24 or 24-26, 2007 [two to choose from])**. There is no fee for this workshop. For more information, please go to <http://www.fws.gov/arizonaes/Documents/MiscDocs/BAWorkshop06.pdf#search=%22swesa%20Biological%20Assessment%20Workshops%2B2006%22>.

Historic Preservation Law and Section 106 Compliance. This course is the next step after the "Introduction to Cultural Resource Management Laws and Regulations" course and emphasizes legal compliance (the National Historic Preservation Act Section 106 process). It addresses legislation and the process to meet the requirements of the law to help the student support their installation's mission. Course covers: communications with related oversight agencies (e.g., State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation); Standards for Rehabilitation; use of historic properties; Defining Historic Fabric; Maintenance and Repair of Historic buildings; Archeological Resources; Native American Issues. It is a 3 day, all day course. Please do not plan to leave early. There is no Tuition Cost for this Course. The Interservice Environmental Education Review Board (ISEERB) approves this course. The course will be held on **13-17 February 2007** at **Tampa, Florida** and on **17-19 April 2007** at **Tucson, Arizona**. For more information or to register, please go to <https://www.cecos.navy.mil>.

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CONFERENCES AND SYMPOSIUMS

Association of State and Territorial Solid Waste Management Officials 2006 Meeting. ASTSWMO is sponsoring a meeting for State and Territorial solid/hazardous waste, remediation, tanks, and federal facilities directors and managers, EPA Headquarters and Regional staff, DOD officials, and others. This year's Annual Meeting will feature the theme, "*Efficiency: Getting the Most out of What You Have*," which will focus on how State regulators can improve their processes to produce better performance, as well as what we can do to promote efficient re-use of waste. The anticipated results of these programs are keyed to, and ultimately support the vision of, State waste program sustainability into the future. State speakers will share their experiences of how they are incorporating efficiencies into their programs that get better results – an important topic for State regulators in an era of diminishing resources and performance management. The meeting will be held in **Kansas City, Missouri** on **24-25 October 2006**. For more information, please go to the conference website at

<http://www.astswmo.org/The%20Newsletter/Current%20ASTSWMO%20Newsletter%20-%20Nov.%2030%202005.htm#ASTSWMO%20Annual%20Meeting>

The 25th Army Science Conference (ASC). Sponsored by the Assistant Secretary of the Army (Acquisition, Logistics and Technology), This conference will be held at the Orange County Convention Center, **Orlando, Florida, 27-30 November 2006.** This conference is a significant milestone for the Army Science and Technology (S&T) community, as it will be 50 years since the Army has been sponsoring this biennial event to promote and showcase the Army's S&T program. The conference theme is "*Transformational Army Science and Technology - Charting the future of S&T for the Soldier.*" The conference will feature talks by prominent individuals from the U.S. and Allied governments, academia and industry - included in the list of speakers are eight Nobel Prize winners - and presentations of papers and posters judged as best among those submitted by scientists and engineers from government, industry and academia. Authors of the most outstanding papers will receive special recognition and awards. Additionally, an International Collaboration Award has been initiated for this and future conferences. The audience will include representatives from academia, industry, U.S. Government and over 30 Allied nations. For more details, please go to <http://www.asc2006.com/overview.htm>.

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Acronyms and Abbreviations The list of acronyms and abbreviations can be found on the AEC web site at <http://aec.army.mil/usaec/reo/creo03.html> and on DENIX at <https://www.denix.osd.mil/denix/State/Partnering/REC/rec.html> (click Information Library).

ACSIM = Assistant Chief of Staff for Installation Management
ADEQ = Arkansas Department of Environmental Quality
AEA = Atomic Energy Act of 1954
AEDB = Army Environmental Database
AERO = Army Environmental Reporting Online
AFCEE = U.S. Air Force Center for Environmental Excellence
AFIT = Air Force Institute of Technology
AIMO = Associated Industries of Missouri
AMOC = Adaptive Management Oversight Committee
ANPR = Advance Notice of Proposed Rulemaking
ANSI = American National Standards Institute
APA = American Planning Association
APC&EC = Arkansas Pollution Control and Ecology Commission
AQCR = Air Quality Control Region
AQI = Air Quality Index
AST = aboveground storage tank
ASTM = American Society for Testing and Materials
ASTSWMO = Association of State and Territorial Solid Waste Management Officials
ATV = all-terrain vehicle
AWMA = Air & Waste Management Association
BAT = best available technology
BGEPA = Bald and Golden Eagle Protection Act
BIA = Bureau of Indian Affairs
BOR = Bureau of reclamation
BRAC = Base Realignment and Closure
CAA = Clean Air Act
CACO = Congressional Affairs Contact Officer
CADD = computer-aided design and drafting
CAM = compliance assurance monitoring
CAMU = corrective action management unit
CARB = California Air Resources Board
CBT = computer-based training
CCAR = Coordinating Committee for Automotive Repair
CCP = Comprehensive Conservation Plan
C&D = construction and demolition
CECOS = Civil Engineer Corps Officers
CenSARA = Central States Air Resources Agencies

CEPPO = Chemical Emergency Preparedness and Prevention Office
 CERCLA = Comprehensive Environmental Response, Compensation and Liability Act
 CESQG = conditionally exempt small-quantity generator
 CFC = chlorofluorocarbon
 CFR = Code of Federal Regulations
 CHPPM = U.S. Army Center for Health Promotion and Preventative Medicine
 CINWL = commercial industrial nonhazardous waste landfill
 CISWI = commercial and industrial solid waste incinerator
 CO = carbon monoxide
 CREO = Central Regional Environmental Office
 CSR = Code of State Regulations
 CTIC = Conservation Technology Information Center
 CTT = closing, transferring and transferred ranges
 CWA = Clean Water Act
 DAC = Defense Ammunition Center
 DBP = disinfection byproduct
 DBPR = Disinfectants and Disinfection Byproducts Rule
 DEI = Directorate of Environmental Integration
 DENIX = Defense Environmental Network & Information eXchange
 DERP = Defense Environmental Restoration Program
 DFW = Dallas/Fort Worth
 DNT = dinitrotoluene
 DoD = U.S. Department of Defense
 DOE = U.S. Department of Energy
 DOI = U.S. Department of Interior
 DOT = U.S. Department of Transportation
 DRMS = Defense Reutilization and Marketing Service
 DSMOA = Defense/State Memorandum of Agreement
 EA = environmental assessment
 EAC = Early Action Compact
 ECAS = Environmental Compliance Assessment System
 ECHO = Enforcement and Compliance History Online
 ECOS = Environmental Council of the States
 ECSR = Environmental Compliance Status Report
 EIS = environmental impact statement
 EMR = environmental management review
 EMS = environmental management system
 EO = executive order
 EPA = U.S. Environmental Protection Agency
 EPAS = Environmental Performance Assessment System
 EPCRA = Emergency Planning and Community Right-to-Know Act
 ER = environmental restoration
 ERC = Emission Reduction Credit
 ERTTP = Environmental Response Training Program
 ETMD = Environmental Training and Management Division
 EVR = Enhanced Vapor Recovery
 FAA = Federal Aviation Administration
 FEIS = Final Environmental Impact Statement
 FIFRA = Federal Insecticide, Fungicide and Rodenticide Act
 FFEO = Federal Facilities Enforcement Office
 FM = facilities management
 FR = Federal Register
 FS = Feasibility Study
 FUDS = Formerly Used Defense Sites
 FY = fiscal year
 GAO = General Accounting Office
 GCP = general construction permit
 GIS = geographic information system
 gpd = gallons per day
 GSA = General Services Administration

HAP = hazardous air pollutant
 HAZMAT = hazardous materials
 HAZWOPER = Hazardous Waste Operations and Emergency Response
 HB = House Bill
 HGA = Houston/Galveston Area
 HJR = House Joint Resolution
 HM = hazardous material
 HMIRS = Hazardous Materials Information Resource System
 HMIWI = hospital/medical/infectious waste incinerator
 HMX = high melting point explosive
 HQ = headquarters
 HRVOC = highly-reactive volatile organic compounds
 HSB = House Study Bill
 HTRW = hazardous/toxic and radioactive waste
 IAC = Iowa Administrative Code
 IBR = Incorporated By Reference
 IDNR = Iowa Department of Natural Resources
 IDOT = Iowa Department of Transportation
 IESWTR = Interim Enhanced Surface Water Treatment Rule
 I&M = inspection and maintenance
 IMI = Installation Management Institute
 INSTEP = International Society of Technical and Environmental Professionals
 ISEERB = Interservice Environmental Education Review Board
 ISO = International Organization for Standardization
 ISR = Installation Status Report
 ITAM = Integrated Training Area Management
 ITRC = Interstate Technology Regulatory Council
 JRTC = Joint Readiness Training Center
 KAR = Kansas Administrative Rules
 KCMA = Kansas City Metropolitan Area
 KDA = Kansas Department of Agriculture
 KDHE = Kansas Department of Health and Environment
 kW = kilowatt
 LAC = Louisiana Administrative Code
 LAMW = low-activity mixed waste
 LANL = Los Alamos National Laboratory
 LB = legislative bill
 LDEQ = Louisiana Department of Environmental Quality
 LDR = land disposal restriction
 LLRW = low level radioactive waste
 LPDES = Louisiana Pollutant Discharge Elimination System
 LPST = leaking petroleum storage tank
 LQG = large quantity generator
 LT1ESWTR = Long Term 1 Enhanced Surface Water Treatment Rule
 LT2ESWTR = Long Term 2 Enhanced Surface Water Treatment Rule
 LUC = land use control
 LUST = leaking underground storage tank
 MACT = maximum achievable control technology
 MCL = maximum contaminant level
 MCLG = maximum contaminant level goal
 MDNR = Missouri Department of Natural Resources
 MDS = minimum desirable streamflow
 MSDS = Material Safety Data Sheet
 MEG = Military Environmental Group
 MEGCs = multiple-element gas containers
 MEK = methyl ethyl ketone
 mg/L = milligram per liter
 mg/yr = megagrams per year
 MMR = Military Munitions Rule

mph = mile per hour
 MP&M = metal products and machinery
 M2R = Military Munitions Rule
 mrem = millirem
 mrem/yr = millirem per year
 MRDLGs = maximum residual disinfectant level goals
 MS4 = municipal separate storm sewer system
 MSDS = material safety data sheet
 MSWG = Multi-State Working Group
 MSWLF = municipal solid waste landfill
 MSWTS = municipal solid waste transfer station
 MTBE = methyl tertiary butyl ether
 MVECP = Motor Vehicle and Engine Compliance Program
 MVEB = Motor Vehicle Emission Budget
 MWC = municipal waste combustion
 NAAQS = National Ambient Air Quality Standard
 NAICS = North American Industry Classification System
 NDEQ = Nebraska Department of Environmental Quality
 NDIA = National Defense Industrial Association
 NEPA = National Environmental Policy Act
 NESHAP = National Emission Standards for Hazardous Air Pollutants
 NFPA = National Fire Protection Association
 NGWA = National Ground Water Association
 NHPA = National Historic Preservation Act
 NMAC = New Mexico Administrative Code
 NMED = New Mexico Environment Department
 NMOC = non-methane organic compound
 NO_x = nitrogen oxides
 NORM = naturally occurring radioactive material
 NPDES = National Pollutant Discharge Elimination System
 NRC = Nuclear Regulatory Commission
 NREO = Northern Regional Environmental Office
 NREP = National Registry of Environmental Professionals
 NSP = new source performance
 NSR = new source review
 OAC = Oklahoma Administrative Code
 OCLL = Office of Chief, Legislative Liaison
 ODEQ = Oklahoma Department of Environmental Quality
 OE = ordnance and explosives
 OFR = Office of the Federal Register
 OMB = Office of Management and Budget
 OMEG = Oklahoma Military Environmental Group
 ORVR = onboard refueling vapor recovery
 OSHA = Occupational Safety and Health Administration
 OSPRA = Oil Spill Prevention and Response Act
 OSSF = on-site sewage facility
 OSWER = Office of Solid Waste and Emergency Response
 P2 = pollution prevention
 PASS = Permit Application Software System
 PAL = plant-wide applicability limitation
 PBR = permit by rule
 PBT = persistent bioaccumulative toxin
 PCB = polychlorinated biphenyl
 pCi/L = picocurie per liter
 PEMS = Predictive Emission Monitoring Systems
 PER = Permitting for Environmental Results
 PHMSA = Pipeline And Hazardous Materials Safety Administration
 P.L. = public law
 PM = particulate matter
 PM_{2.5} = Fine Particulate Matter with a diameter smaller than 2.5 microns

POC = point of contact
 POM = Program Objective Memorandum
 POTW = publicly owned treatment works
 ppb = part per billion
 ppm = part per million
 PRP = potentially responsible party
 PSD = prevention of significant deterioration
 PST = petroleum storage tank
 PSTTF = Petroleum Storage Tank Trust Fund
 PTE = potential to emit
 PWS = public water system
 RACM = reasonably available control measures
 RACT = reasonably available control technology
 RCRA = Resource Conservation and Recovery Act
 RDX = Royal Demolition eXplosive
 REC = Regional Environmental Coordinator
 REGFORM = Regulatory Environmental Group for Missouri
 RFG = reformulated gasoline
 RI = remedial investigation
 RICE = reciprocating internal combustion engine
 ROD = record of decision
 SAME = Society of American Military Engineers
 SB = Senate Bill
 SDWA = Safe Drinking Water Act
 SDWIS = Safe Drinking Water Information System
 SERDP = Strategic Environmental Research and Development Program
 SIC = Standard Industrial Classification
 SIP = State Implementation Plan
 SM = Senate Measure
 SO₂ = Sulfur dioxide
 SPCC = Spill Prevention, Control, and Countermeasure
 SQG = small quantity generator
 SREO = Southern Regional Environmental Office
 TAC = Texas Administrative Code
 TBD = to be determined
 TCEQ = Texas Commission on Environment Quality
 TCM = transportation control measure
 TDS = total dissolved solids
 TEFs = Toxicity equivalency factors (related to dioxins)
 TEQ = Toxicity equivalency (related to dioxins)
 TERP = Texas Emissions Reduction Plan
 TIM = Transformation of Installation Management
 TMDL = total maximum daily load
 TPDES = Texas Pollutant Discharge Elimination System
 TRI = Toxics Release Inventory
 TRI-DDS = Toxics Release Inventory – Data Delivery System
 TRRP = Texas Risk Reduction Program
 TSCA = Toxic Substances Control Act
 TSP = Total Suspended Particulate
 tpy = tons per year
 TNT = trinitrotoluene
 TXEP = Texas Environmental Partnership
 UIC = underground injection control
 UN = United Nations
 USACE = U.S. Army Corps of Engineers
 USAEC = U.S. Army Environmental Center
 U.S.C. = United States Code
 USFWS = U.S. Fish and Wildlife Service
 USGS = U.S. Geological Survey
 UST = underground storage tank

UXO = unexploded ordnance
VOC = volatile organic compound
WET = whole effluent toxicity
WMM = waste military munitions
WQBEL = water quality-based effluent limit
WQMP = Water Quality Management Plan
WREO = Western Regional Environmental Office
ug/L = microgram per liter

